

CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

Request:

- | | |
|--|---|
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Amendment to PCD, PUD or Site Plan | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Concurrency Certificate |
| <input type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Administrative Approval | <input type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Other <input type="text"/> |

Date Submitted:

Project Name: NOVA Southeastern University PBG Campus

Owner: NOVA Southeastern University, Inc.

Applicant (if not Owner): _____

Applicant's Address: 3301 College Avenue
Fort Lauderdale, FL 33314 Telephone No. (954) 262-8836

Agent: Urban Design Kilday Studios

Contact Person: Anne Booth E-Mail: abooth@udkstudios.com

Agent's Mailing Address: 477 South Rosemary Avenue, Suite 225, WPB, FL 33401

Agent's Telephone Number: 561-366-1100

FOR OFFICE USE ONLY	
Petition Number: _____	Date & Time Received: _____
<u>Fees Received</u>	
Application \$ _____	Engineering \$ _____
Receipt Number: _____	

Architect: Stiles Architectural Group and Glidden Spina and Partners

Engineer: N/A

Planner: Urban Design Kilday Studios

Landscape Architect: N/A

Site Information:

Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: At the point of intersection of Military Trail and I-95, north of PGA Boulevard.

Address: 11601 North Military Trail, Palm Beach Gardens, FL 33410

Section: 1 Township: 42 Range: 42

Property Control Number(s): 52-42-42-01-25-001-0000, 52-42-42-01-25-016-0000, 52-42-42-01-25-023-0000

Acreage: 9.18 Current Zoning: PO/PUD Requested Zoning: No Change

Flood Zone B Base Flood Elevation (BFE) – to be indicated on site plan

Current Comprehensive Plan Land Use Designation: Professional Office (PO)

Existing Land Use: Professional Office (PO) Requested Land Use: No Change

Proposed Use(s) i.e. hotel, single family residence, etc.: No Change / Office/Satelite University

Proposed Square Footage by Use: 150,000 sf (Previously approved - no change requested)

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):
N/A

Justification

Information concerning all requests (attach additional sheets if needed.)
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: _____

This is a request to amend the Planned Unit Development for a waiver to add one building identification sign _____
to the north (northwest) elevation of the existing 75,000 square foot office building (Bldg. A), and subsequently _____
allowing the sign to be relocated to Building B in Phase 2. This request also includes a time extension _____
request for the installation of the art in the plaza. _____

2. What will be the impact of the proposed change on the surrounding area?

The proposed building identification sign will provide southbound traffic on Interstate 95 advance notice of the _____
location of the University which will help traffic flow and public communication. Neither the additional sign, or _____
the delayed installation of the art are anticipated to impact to the surrounding area. _____

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

This is not a rezoning request, therefore this provision is not applicable to this application. _____

4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

All requirements for preservation of the natural resources were addressed with the approval of the PUD.

There are no landscape modifications proposed as result of this request.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

The applicant has previously been granted approval by the City Council for AIPP. The sculpture is being

created in accordance with that approval. This application is requesting an extension for the completion

and installation of the art as a result of delays outside of their control.

6. Has project received concurrency certification?

Yes

Date Received: 02-02-05

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

The Pointe Corporate Office Park, as recorded in Plat Book 111, Pages 189-192, public records of Palm Beach County, Florida.

Location

The subject property is located approximately 0.4 mile(s) from the intersection of _____

Military Trl. and PGA Blvd. _____, on the north, east, south, west side of _____

Military Trail _____ (street/road).

STATEMENT OF OWNERSHIP AND DESIGNATION OF AUTHORIZED AGENT

Before me, the undersigned authority, personally appeared **JOHN SANTULLI**, who being sworn on oath, deposes and says:

- 1. That, he is the **VICE PRESIDENT** of **NOVA SOUTHEASTERN UNIVERSITY, INC., a Florida not-for-profit corporation** which is the owner of the property described as:

The Pointe Corporate Office Park, as recorded in the public records of Palm Beach County, Plat Book 111, Pages 189-192. and;

- 2. That, **NOVA SOUTHEASTERN UNIVERSITY, INC.**, desires to amend the Planned Unit Development approval to allow additional building wall signage, and;
- 3. That, he is fully authorized to act on behalf of **NOVA SOUTHEASTERN UNIVERSITY, INC.**, to file and pursue this application request for a Planned Unit Development Amendment with the City of Palm Beach Gardens;
- 4. That, **NOVA SOUTHEASTERN UNIVERSITY, INC.**, has appointed **ANNE BOOTH and URBAN DESIGN KILDAY STUDIOS** to act as Agent on it=s behalf with regard to this application, and;
- 5. That, **NOVA SOUTHEASTERN UNIVERSITY, INC.**, or its successors or assigns, commits to proceed with the proposed development in accordance with the Ordinance of approval and such conditions and safeguards as may be set by the City Council in such Ordinance, and;
- 6. That **NOVA SOUTHEASTERN UNIVERSITY, INC.**, or its successors or assigns, commits to complete the development according to the plans approved by such Ordinance, and to continue operating and maintaining such area, functions, and facilities as are not to be provided, operated or maintained by the City of Palm Beach Gardens, and;
- 7. That, **NOVA SOUTHEASTERN UNIVERSITY, INC.**, commits to bind any successors in title to any commitments made in the approval.

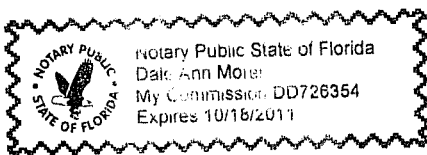
NOVA SOUTHEASTERN UNIVERSITY, INC.

By: *John Santulli* VP
JOHN SANTULLI, Vice President

Sworn to and subscribed before me this 5 day of May, 2011.

(Notary Seal)

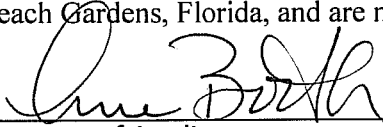
Dale Ann Morel
Notary Public, State of Florida
Commission Number DD726354
My Commission Expires: 10-18-11



Applicant's Certification

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:



Signature of Applicant

Owner

Anne Booth

Print Name of Applicant

Optionee

477 S. Rosemary Avenue

Street Address

Lessee

West Palm Beach, FL 33401

City, State, Zip Code

Agent

561-366-1100

Telephone Number

Contract Purchaser

561-366-1111

Fax Number

aboath@udkstudios.com

E-Mail Address

July 19, 2011

Mrs. Natalie Crowley, AICP
Growth Management Director
The City of Palm Beach Gardens
10500 N. Military Trail
Palm Beach Gardens, FL 33410



Urban Planning and Design
Landscape Architecture
Communication Graphics

**RE: NOVA SOUTHEASTERN UNIVERSITY PUD - PBG CAMPUS PUD
MODIFICATION – SIGN WAIVER AND AIPP TIME EXTENSION
UDKS REF. #97-005.24 (PUD)**

Dear Mrs. Crowley:

Please accept the attached materials as our request, on behalf of NOVA Southeastern University, Inc., for a Planned Unit Development (PUD) amendment on the 9.18 acre property known as the Nova Southeastern University PUD (NSU). The site formerly known as The Pointe is located on the west side of Military Trail, south of the Sabal Ridge, east of Interstate 95.

The applicant is requesting approval of an amendment to the language of two previously approved waivers which were approved via Resolution 175, 2005 to allow for the addition of a sign to the north face of Building A, and subsequently the north face of Building B. This request also includes a time extension from Condition number 1 of Resolution 77, 2010 to allow the installation of the art to be extended to October 15, 2011.

The applicant would first like to request approval to allow an additional sign on the north elevation of the building in phase one. It is also the intention of the applicant that the sign be subsequently removed and relocated to the north elevation of the second building upon completion of construction of Phase two. The proposed sign will match the existing sign on the west side of Building A.

The addition of the proposed sign to the north face of the building requires modifications to the waiver language in Resolution 175, 2005 as follows:

“2. Section 78-285, Permitted signs, to allow for principal building signs to be located above the fourth floor line on the east ~~and~~ , west and north elevations of each office building.”

“3. Section 78-285, Permitted signs, to allow for an additional principal building sign on the west and north elevation of each office building.”

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The building orientation places the building at a parallel angle facing I-95 which reduces the visibility of the sign to southbound traffic. Although the south side of the building would provide the closest proximity of the sign to I-95, the visibility of the building for northbound traffic is limited by the overpass and is not visible prior to reaching the ramp. The applicant believes that placing the sign on the north elevation will provide the most help in improving visibility in advance of having to maneuver for the exit ramp.

In September, 2010, the City Council approved Ordinance 21, 2010 which adopted amendments to the sign code allowing for a second Principal Structure/Principal Tenant sign for buildings facing I-95. The applicant believes that approval of this request is consistent with the intent of the new provisions of the code which recognizes the importance of I-95 sign visibility to help facilitate the flow of traffic to the site. The combination of the three signs on the building will be consistent with the code which allows two "Principal Structure" signs and "Ground Floor User" signs. The proposed sign plan limits the number of signs on the building to three. In the future, the applicant intends to construct a second 75,000 sf building and a parking garage as part of the second phase. At that point in time, they propose to remove the northern sign from Building A and relocate it to the north side of Building B.

The second request in this application is for a time extension to allow the installation of the art to be extended until October 15, 2011. Condition 1 of Resolution 77, 2010 requires that the art be installed by August 1, 2011. The sculpture is almost completed, but due to the complexity of the design and delays in the artist schedule which are outside of the applicant's control, the time frame for the completion, shipping, and installation of the sculpture will need to be extended. Although it is the applicant's goal to have the installation of the art completed prior to this application reaching the City Council, we are making this request to modify the condition as a matter of record.

The materials being submitted today consist of the following (1 copy unless otherwise noted):

- 1) **Filing fee check in the amount of \$4,675.** (*This total was calculated as follows: Pre-Application \$200; Base Sum \$2,475.00; \$1,000.00 Advertisement Escrow; and \$1,000.00 Legal Escrow*)
- 2) Development Application
- 3) Statement of ownership and designation of authorized agent
- 4) Financial Responsibility form
- 5) Lobbyist Registration Form
- 6) Waiver Criteria Analysis
- 7) Warranty Deed with affidavit
- 8) 8½ x 11 Aerial Location map with abutting zoning and land use (11 copies)
- 9) Site Plan, sheet SP-1, dated July 19, 2011, UDKS (11 copies)
- 10) Architectural Building Elevation, Southeast Building (A) Phase 1, (Sheet A-3.1) dated April 28, 2011, Stiles Architectural Group (11 copies)
- 11) Architectural Building Elevation, Northwest Building (B) Phase 2, (Sheet A-3.4) dated July 13, 2011, Oliver, Glidden, Spina, and Partners (11 copies)

- 12) Sign Detail sheet, prepared by Ferrin Signs, dated March 31, 2011 (11 copies)
- 13) Aerial Photographs (2) of existing signs and proposed sign location (11 copies)
- 14) Disk with electronic files

If all materials submitted today are sufficient, we hope to be scheduled for the next available Development Review Committee meeting. Should you have any questions regarding the attached materials, or require any additional information, please let me know.

Sincerely,
Urban Design Kilday Studios



Anne Booth
Principal

Attachments

cc: J. Santulli, NOVA
P. Witschen, NOVA

NOVA Southeastern University

Waiver Criteria

July 19, 2011



Urban Planning and Design
Landscape Architecture
Communication Graphics

Waiver modifications requested: To allow an additional principal tenant sign on the north face of the building, above the fourth floor. Resolution 175, 2005 approved the following waivers; the proposed modification language is underlined.

“2. Section 78-285, Permitted signs, to allow for principal building signs to be located above the fourth floor line on the east and west and north elevations of each office building.”

“3. Section 78-285, Permitted signs, to allow for an additional principal building sign on the west and north elevation of each office building.”

(1) The request is consistent with the city's comprehensive plan.

The proposed sign is consistent with the existing sign and is in keeping with the intent of the Land Development Regulations which allow additional signs facing I-95, above the second floor.

(2) The request is consistent with the purpose and intent of this section.

This request is consistent with the provisions of the code that allow waiver requests for signs.

(3) The request is in support of and furthers the city's goals, objectives, and policies to establish development possessing architectural significance, pedestrian amenities and linkages, employment opportunities, reductions in vehicle trips, and a sense of place.

The proposed waiver modifications will allow for better communication with the public by allowing southbound traffic to identify the location of the University before the exit ramp. The proposed sign is consistent with the previously approved sign and is proportionate in size to the face of the building. The University is a public destination and as such needs to be identifiable to minimize confusion for traffic getting to the site.

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(4) The request demonstrates that granting of the waiver will result in a development that exceeds one or more of the minimum requirements for PUDs.

The existing PUD exceeds all code requirements for open space, and landscape areas and is an excellent example of a community serving facility. The proposed waiver will allow the public to find the school more easily.

(5) The request for one or more waivers results from innovative design in which other minimum standards are exceeded.

The proposed waiver modifications are the minimum modifications required to achieve the desired results. While the existing site constraints and orientation of the buildings minimize impacts to adjacent residents, the building locations make the visibility of the existing signs harder to see. The site open space and landscaping have been maximized and exceed all code requirements.

(6) The request demonstrates that granting of the waiver will result in preservation of valuable natural resources, including environmentally-sensitive lands, drainage and recharge areas, and coastal areas.

Allowing the waiver modifications will have no effect on the existing preserve areas or the site design.

(7) The request clearly demonstrates public benefits to be derived, including but not limited to such benefits as no-cost dedication of rights-of-way, extensions of pedestrian linkages outside of the project boundaries, preservation of important natural resources, and use of desirable architectural, building, and site design techniques.

The approval of the PUD incorporated the dedication of public rights-of-way, construction of roadway improvements, preservation of upland areas and landscaping of public rights-of-way. The site plan design provided the maximum amount of separation between the adjacent residential uses and the buildings; however, the property line alignment and the orientation of the buildings make visibility of the existing sign difficult to see for southbound traffic.

(8) Sufficient screening and buffering, if required, are provided to screen adjacent uses from adverse impacts caused by a waiver.

The proposed sign will be oriented toward southbound I-95. Both buildings are separated from the adjacent residential community by an existing buffer and preserve area. The proposed sign will consist of facelit channel letters which will have minimum glare.

(9) The request is not based solely or predominantly on economic reasons.

This request is based on careful evaluation of the existing constraints of the site, the desire of the University to allow the public to locate the campus easily. Upon construction of the parking garage and the second building, the applicant is requesting that the sign be relocated to continue to communicate with the public the location of the campus.

(10) The request will be compatible with existing and potential land uses adjacent to the development site.

The proposed waiver modification will be consistent with the previously approved signs and the buildings are screened by extensive landscaping and buffers.

(11) The request demonstrates the development will be in harmony with the general purpose and intent of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

The proposed sign will allow the public to locate the campus easily which will assist in traffic flow and public safety.